



**ZACHARY W. CARTER**  
Corporation Counsel

**THE CITY OF NEW YORK**  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

**Carolyn K. Depoian**  
Senior Counsel  
Phone: (212) 356-2358  
Fax: (212) 356-3509  
cdepoian@law.nyc.gov

July 14, 2017

**BY ECF**

Honorable Brian M. Cogan  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Lerin Pierce v. The City of New York et al.,  
16 CV 05703 (BMC) (RLM)

Your Honor:

Defendants write to respectfully request that briefing on plaintiff's motion for attorney's fees in this matter be stayed until the Court has an opportunity to render a decision on defendants' post-trial motions, pursuant to Federal Rule of Civil Procedure 50 and 59, which are currently due July 17, 2017. Defendants submit that the instant request for a stay will not prejudice plaintiff.

By way of background, a jury verdict was rendered in this matter on June 16, 2017. Thereafter, a briefing schedule was set regarding defendants' anticipated post-trial motions, by which defendants' motions would be due on July 17, 2017. Judgment has not yet been entered. Nonetheless, on June 30, 2017, plaintiff submitted his "First Motion for Attorney's Fees." See Civil Docket Sheet Entry No. 128.

Defendants intend to oppose plaintiff's motion for attorney's fees, inter alia, on the grounds that attorney's fees should be denied in their entirety due to plaintiff counsel's conduct at trial and in the alternative, that any award of attorney's fees should be reduced by plaintiff's partial or limited success at trial. (See LeBlanc-Sternberg v. Fletcher, 143 F.2d 748, 760 (2d Cir. 1998) (finding "[t]he most important factor in determining a reasonable fee for a prevailing party is the degree of success obtained.")) At a minimum, plaintiff's overall degree of success cannot be determined until defendants' post-trial motions are decided, and thus defendants respectfully request a stay of briefing on the issue of attorney's fees until after the Court's decision on this motion.

Thank you for your consideration in this regard.

Respectfully submitted,

/s

Carolyn K. Depoian

Valerie Smith

Special Federal Litigation Division

To: VIA ECF  
Gregory Antollino  
*Attorney for Plaintiff*